

Entered 2/10/98 - SB  
CL 98L0036 - GWENDOLYN BURNS

99-2-1306

CLAIM OF: TERRY L. DIETZLER  
873 Monroe Circle  
Atlanta, Georgia 30308

For damages alleged to have been sustained  
as a result of property damage on November  
21, 1997 at 873 Monroe Circle.

THIS ADVERSED REPORT IS

APPROVED:

*Rosalind A. Rubens*  
ROSALIND A. RUBENS  
DEPUTY CITY ATTORNEY

# ADVERSE REPORT

*Public Safety & Legal Administration, P.S. L.A.*  
DATE 8/10/99

*HELD*

*8/31/99*

*9/14/99*

*9/28/99*

*10/26/99*

*11/9/99*

*11/29/99*

DATE

*1/4/00*

*HELD*

*12/14/99*

*1/11/00*

*2/1/00*

*2/15/00*

*2/29/00*

*3/28/00*

*4/11/00*

*5/9/00*

*5/26/00*

*2/15/00*

*2/29/00*

*3/14/00*

# DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 98L0036

Date: July 29, 1999

Claimant /Victim TERRY L. DIETZLER  
 BY: (Atty) (Ins. Co.) \_\_\_\_\_  
 Address: 873 Monroe Circle, NE Atlanta, Georgia 30308  
 Subrogation: \_\_\_\_\_ Claim for Property damage \$ 2,010.95 Bodily Injury \$ \_\_\_\_\_  
 Date of Notice: 1/26/98 Method: Written, proper X Improper \_\_\_\_\_  
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
 Date of Occurrence 11/21/97 Place: 873 Monroe Circle, NE  
 Department PUBLIC WORKS Bureau: Waste Water Services Division \_\_\_\_\_  
 Employee involved \_\_\_\_\_ Dept. Action Taken \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that he sustained property damage when storm drains from an adjacent property overflowed causing extensive flooding to claimant's home. An investigation determined that the major contributor of run-off to claimant's property is the Ackerman property, which is located directly behind claimant's property. Claimant has been advised to pursue his claim against that party.

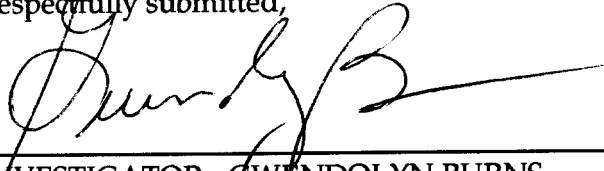
## INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

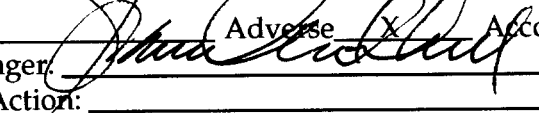
## BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
 Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
 City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
 Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
 Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
 INVESTIGATOR - GWENDOLYN BURNS

## RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
 Claims Manager:  Concur/date 07-30-99  
 Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

BURNS  
RE: CLAIM FOR DAMAGES 01/26/98

Today's Date: 12-5-97 Du

ENTERED - 2-10-98 - SB  
98L0036 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2010.95 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 11.21.97 2. Time of Incident: 8:00 PM 3. Police called: ☒ Yes ☐ No  
(month/day/year)
4. Location of incident (including street address): 873 MONROE CIRCLE
5. Name of your insurance company: STATE FARM Policy No. 11-ET-068216
6. State what and how incident occurred: DURING THE FRIDAY NIGHT RAIN, THE STORM DRAWS ON AN ADJACENT PROPERTY BACKED UP CAUSING FLOODING OF OUR BACK YARD AND CRAWL SPACE BENEATH OUR HOUSE OF UP TO 5 FEET. AFTERWARD, OUR FURNACE REQUIRED REPLACEMENT DUE TO THE FLOODING AT A COST OF \$1970. BELIEVING IT NECESSARY TO TEMPORARILY PROTECT OUR NEW FURNACE, I HAVE PURCHASED 30 SANDBAGS TO HOPEFULLY KEEP THE
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! FURNACE FROM BEING DESTROYED AGAIN.
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Terry L. Dietzler  
Signature of Claimant

TERRY L. DIETZLER  
(Print Claimant's Name)

873 MONROE CIRCLE  
(Address)

ATLANTA GA 30308  
(City, State and Zip Code)

99-R-1306

770-953-0393 ext 213 404-874-0020  
Work Number (Home Number)